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09/922,242	08/03/2001	Christopher W.B. Goode	DIVA/302	9090

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EXAMINER

CHANG, SHIRLEY

ART UNIT PAPER NUMBER

2612

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/922,242	<b>Applicant(s)</b> GOODE, CHRISTOPHER W.B.	
	<b>Examiner</b> Shirley Chang	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 3/8/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1\*25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Response to Arguments**

Applicant's arguments filed 3/8/06 have been fully considered but they are not persuasive.

a. Applicant argues on page 10, fifth paragraph and also for claims 1-25, that Gordon does not specifically disclose 'determining a profile associated with an encoded navigation stream...', and 'encoding a video stream according to said profile...'

Gordon discloses 'determining a profile associated with an encoded navigation stream' and 'encoding a video stream according to said profile.' The profile parameters that is part of the transport MPEG stream (page 9, lines 14-21), is actually encoded video data. This reads on the encoding video stream according to said profile. In other words, the profile parameter information is the claimed "profile associated with an encoded navigation stream because the profile parameter information is being derived from the MPEG transport stream, it is well known that the MPEG transport stream is comprised of compressed video data. Since demultiplexer 230 demultiplexes the MPEG transport stream, it thereby determines a profile associated with an encoded navigation stream, to be supplied to the video decoder to decode the MPEG transport stream (page 9, lines 14-21; page 17, lines 10-20; page 6, lines 20-25; page 15 line 26 to page 16, line 3; page 32, lines 5-21; page 5, line 27 to page 6 line 4).

### ***Priority***

Applicant disagrees but does not provide any specific reasons for the disagreement.

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The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/222784, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. In particular, claims 1-20 and 22-25 lack adequate support. As to Claims 1 and 20, the prior-filed application does not specifically disclose 'temporal and spatial parameters' nor 'encoding a video stream according to said profile...having a screen position and an image size,' and 'combing said navigation stream...' As to claims 22 and 25, the prior-filed application does not specifically disclose 'comparing user preference...' and 'navigation imagery supported by GOP...'

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**3. Claim(s) 1-6, 8-11, 13-17, and 20 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon WO 00/64170.**

As to claim 1, Gordon WO 00/64170 discloses:

A method for delivering customized navigation imagery to a user, comprising:  
determining a profile associated with an encoded navigation stream, said profile including spatial and temporal parameters; encoding a video stream according to said profile to produce an encoded video stream, said encoded video stream representing imagery having associated with it a screen position and an image size (stream DATA provides information on parameters and other profile parameters [9, 14-21]; [17, 10-20] position (temporal or channel) [6, 20-25]; user navigation ([15, 26] to [16, 3]), relative size of pictures produced by real time encoders [32, 5-21]; video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4]));

combining said encoded navigation stream and said encoded video stream to produce a combined stream representing navigation imagery including said video stream imagery, said video stream imagery having associated with it said screen position and said screen size (video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4])).

As to claim 2, Gordon WO 00/64170 discloses:

said profile defines a group of pictures (GOP) structure (data stream identifies GOP structure [9, 22-25].

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As to claim 3, Gordon WO 00/64170 discloses:

said profile defines at least one of an encoding rate, and encoding resolution, and encoding profile and a quantization level (stream DATA provides information on parameters and other profile parameters [9, 14-21]; [17, 10-19]).

As to claim 4, Gordon WO 00/64170 discloses:

said spatial parameters include a frame size parameter and said temporal parameters include a frame rate parameter (frame rate [9, 26] to [10, 7]; frame size [5, 27] to [6, 3]).

As to claim 5, Gordon WO 00/64170 discloses:

said encoded navigation stream and said encoded video stream are encoded according to a common group of picture (GOP) data structure, said step of combining further comprising: aligning said encoded navigation stream and said encoded video stream according to said common GOP structure ([17, 10-20]; [25, 11-32]).

As to claim 6, Gordon WO 00/64170 discloses:

said step of encoding said video stream comprises the steps of adapting said video stream imagery to said screen position and said screen size ([5, 27] to [6, 3]).

As to claim 8, Gordon WO 00/64170 discloses:

said screen position comprises a reference position, said step of combining including: determining a desired reference screen position for said encoded video stream imagery;

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and translating said screen position of said encoded video stream to said desired reference screen position ([33, 4] to [34, 2]).

As to claim 9, Gordon WO 00/64170 discloses:

said navigation stream represents navigation imagery supported by a video layer and a graphics layer ([5, 27] to [6, 3]),

said video layer provided via a navigation video stream encoded according to said common GOP structure and said profile, said graphics layer provided via graphics data included within an associated graphics data stream (stream DATA provides information on parameters and other profile parameters [9, 14-21]; [17, 10-20] position (temporal or channel) [6, 20-25]; user navigation ([15, 26] to [16, 3]), relative size of pictures produced by real time encoders [32, 5-21]; video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4]));

said graphics data and said navigation video stream intended for contemporaneous presentation (fig. 1 ([5, 27] to [6, 3])).

As to claim 10, Gordon WO 00/64170 discloses:

said graphics data includes graphical imagery positioned coincident with said screen position, said graphical imagery to at least partially obscuring said encoded video stream upon presentation of said combined stream [6, 20-25].

As to claim 11, Gordon WO 00/64170 discloses:

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receiving, a user command indicative of the selection of said graphical imagery at least partially obscuring said encoded video stream; and modifying said obscuring graphical imagery to allow user viewing of said encoded video stream [6, 13-19];

As to claim 13, Gordon WO 00/64170 discloses:

said combined stream represents navigation imagery including advertising imagery appropriate to said user ([25, 11-32]; [27, 19] to [28, 7]; [5, 12-26]).

As to claim 14, Gordon WO 00/64170 discloses:

said advertising imagery is determined to be appropriate by comparing at least one of user preference data and usage based profile data to preference data associated with available advertising imagery [27, 19] to [28, 7]).

As to claim 15, Gordon WO 00/64170 discloses:

said advertising imagery comprises still imagery provided as one of video imagery and a bitmap image (promotional banner [13, 24] to [14, 5]).

As to claim 16, Gordon WO 00/64170 discloses:

said still imagery comprises a bitmap and said method further comprises: adapting a color palette of said bitmap to a color palette compatible with said navigation stream (the colors of the bitmap of the banner are inherently adapted to the users' color palette by virtue of it being displayed or rendered by the client end [13, 24] to [14, 5]).

As to claim 17, Gordon WO 00/64170 discloses:



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said still imagery comprises video imagery encoded according to said GOP structure wherein an intra-coded frame of said GOP structure represents said still imagery and a plurality of inter-coded frames of said GOP structure operate to repeat at least portions of said intra-coded frame [32, 5-21].

As to claim 20, Gordon WO 00/64170 discloses:

A method for generating a customized user interface, said user interface comprising imagery supported by a video layer and a graphics layer, said video layer provided via an encoded video stream, said graphics layer provided via graphics data, said graphics data and said video stream intended for contemporaneous presentation, said method comprising: determining a profile associated with an encoded navigation stream, said profile including spatial and temporal parameters; encoding a video stream according to said profile to produce an encoded video stream, said encoded video stream representing imagery having associated with it a screen position and an image size; combining said encoded navigation stream and said encoded video stream to produce a combined stream representing navigation imagery including said video stream imagery within said screen position and according to said screen size (stream DATA provides information on parameters and other profile parameters [9, 14-21]; [17, 10-20] position (temporal or channel) [6, 20-25]; user navigation ([15, 26] to [16, 3]), relative size of pictures produced by real time encoders [32, 5-21]; video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4]));

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combining said encoded navigation stream and said encoded video stream to produce a combined stream representing navigation imagery including said video stream imagery within said screen position and according to said screen size (video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4])).

**4. Claim(s) 21-25 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon '153 (6584153).**

As to claim 21, Gordon '153 discloses:

A method for delivering customized navigation imagery to a user, comprising: receiving a request from a user for navigation imagery [4, 1-25];

retrieving, from a server, navigation imagery and advertising imagery appropriate for said user ([16, 30-36] to [16, 42-67]);

encoding said retrieved navigation imagery and advertising imagery to produce an encoded navigation video stream, said navigator video stream representing navigation imagery including advertising imagery appropriate to said user [7, 1-26].

determining a profile associated with an encoded navigation stream, said profile including spatial and temporal parameters; encoding a video stream according to said profile to produce an encoded video stream, said encoded video stream representing imagery having associated with it a screen position and an image size (stream DATA provides information on parameters and other profile parameters [9, 14-21]; [17, 10-20]

position (temporal or channel) [6, 20-25]; user navigation ([15, 26] to [16, 3]), relative size of pictures produced by real time encoders [32, 5-21]; video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4]));

combining said encoded navigation stream and said encoded video stream to produce a combined stream representing navigation imagery including said video stream imagery, said video stream imagery having associated with it said screen position and said screen size (video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([5, 27] to [6, 4])).

As to claim 22, Gordon '153 discloses:

said advertising imagery is determined to be appropriate by comparing user preference data and preference data associated with available advertising imagery [16, 42-67].

As to claim 23, Gordon '153 discloses:

said advertising imagery comprises still imagery [8, 28-45].

As to claim 24, Gordon '153 discloses:

said still imagery comprises a bitmap (the colors of the bitmap of the banner are inherently adapted to the users' color palette by virtue of it being displayed or rendered by the client end [8, 28-45]).

As to claim 25, Gordon '153 discloses:

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said navigation imagery is supported by a video layer and a graphics layer [3, 54-64], said video layer provided via a navigation video stream encoded according to said common GOP structure and said profile, said graphics layer provided via graphics data included within an associated graphics data stream, said graphics data and said navigation video stream intended for contemporaneous presentation (stream DATA provides information on parameters and other profile parameters [5, 60]; [6, 2] position (temporal or channel) [4, 18-25]; user navigation ([9, 44-45]), relative size of pictures produced by real time encoders [19, 21-42]; video and graphics layer, display parameters (size, shape, position and other visual parameters) fig. 1 ([3, 54-64] to [18, 36-47]; [21, 24-39]).

### **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claim(s) 12 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon (WO 00/64170).**

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As to claim 12,

Although the Gordon does not specifically disclose updating demographic data associated with said user in response to said user command, the examiner gives Official Notice that it is notoriously well known in the art to update demographic data in response to user command. Accordingly, it would have been obvious to one of ordinary skill in the art to modify Gordon WO 00/64170 in order to allow a person to maintain keep his information current so that his experience could be more tailored to his use. These concepts are well known in the art and do not constitute a patentably distinct limitation, per se [M.P.E.P. 2144.03].

**6. Claim(s) 7 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon (WO 00/64170) in view of Gordon (WO 01/031914), and in further view of Kondo (200500189116).**

As to claim 7,

Gordon WO 00/64170 does not specifically disclose said video stream imagery is adapted to said screen size using a decimation process. Gordon WO 01/031914 discloses 'slice-based encoding may also be used to provide picture-in-picture (PIP) functionality and a multi-functional user interface' [section G. Multi-Functional User Interface with PIP Functionality, (first and second paragraphs)]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon WO 00/64170 with Gordon WO 01/031914 so as to allow 'the graphics and video of an IPG to be efficiently coded and flexibly transmitted as described below. Consequently, a user can easily and rapidly move from one IPG page

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to another IPG page' [Description (fifth paragraph)]. Gordon WO 00/64170 in view of Gordon WO 01/031914 does not specifically disclose the decimation process.

However, Kondo discloses 'Inasmuch as an image is compressed by decimation and also compressed by the ADRC process and the classifying and adaptive processing process, it is possible to obtain encoded data compressed at a very high compression ratio. The above encoding process carried out in the transmitting apparatus 1 employs a coordinated combination of the decimation-based compression process and the classifying and adaptive processing process to achieve highly efficient data compression, and may thus be referred to as a coordinated encoding process' [0176].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon WO 00/64170 in view of Gordon WO 01/031914 with Kondo so as to compress an image using a very high compression ratio (Kondo [0175]).

**7. Claim(s) 18 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon WO 00/64170 in view of Gordon WO 01/031914 (WO 01/031914).**

As to claim 18,

Gordon WO 00/64170 does not specifically disclose wherein said step of combining comprises: removing data within said navigation stream representing image slices substantially corresponding to said stream position and image size to produce a reduced data encoded navigation stream; said combined stream comprising said reduced data encoded navigation stream and said encoded video stream, said encoded

video stream including data representing image slices corresponding to said stream position and image size.

Gordon WO 01/031914 discloses 'slice-based encoding may also be used to provide picture-in-picture (PIP) functionality and a multi-functional user interface' [G. Multi-Functional User Interface with PIP Functionality, lines 6-12]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon WO 00/64170 with Gordon WO 01/031914 so as to allow 'the graphics and video of an IPG to be efficiently coded and flexibly transmitted as described below. Consequently, a user can easily and rapidly move from one IPG page to another IPG page' [0053].

**8. Claim(s) 19 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon WO 00/64170 in view of Gordon WO 01/031914 (WO 01/031914), and in further view of Boucher et al. (6675387).**

As to claim 19,

Gordon WO 00/64170 does not specifically disclose wherein said step of combining comprises: removing data within said navigation stream representing image macroblocks substantially corresponding to said stream position and image size to produce a reduced data encoded navigation stream; said combined stream comprising said reduced data encoded navigation stream and said encoded video stream, said encoded video stream including data representing image macroblocks corresponding to said stream position and image size.

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Gordon WO 01/031914 discloses 'slice-based encoding may also be used to provide picture-in-picture (PIP) functionality and a multi-functional user interface' [G. Multi-Functional User Interface with PIP Functionality, lines 6-12]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon WO 00/64170 with Gordon WO 01/031914 so as to allow 'the graphics and video of an IPG to be efficiently coded and flexibly transmitted as described below. Consequently, a user can easily and rapidly move from one IPG page to another IPG page' [0053].

Although Gordon WO 00/64170 in view of Gordon WO 01/031914 does not specifically disclose explicitly disclose the details, Boucher discloses 'A video stream can be pre-encoded or encoded in real-time as macroblocks for display in an area of the screen resulting in a picture-in-picture effect. For a series of images providing a picture-in-picture (PIP) display, only the macroblocks for the PIP area of the screen contain updated data. The FMB formatted data sets can be encoded to represent an MPEG data stream corresponding to full motion video for an area smaller than the visible screen size. The compressed FMB formatted data sets can be streamed to the set top box' [14, 18-25]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gordon WO 00/64170 with Boucher since 'a video stream can be pre-encoded or encoded in real-time as macroblocks' (Boucher [14, 18-25]).



### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC



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